

**Representative Hall, Atlanta, Georgia**

**Friday, February 7, 2014**

**Nineteenth Legislative Day**

The House met pursuant to adjournment at 9:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abrams	Clark, V	Harbin	McClain	E Smith, E
Alexander	Coomer	Harden	Meadows	Smith, L
Allison	Cooper	Hatchett	E Morgan	Smith, M
Anderson	Deffenbaugh	Hawkins	Mosby	Smith, R
Atwood	Dempsey	Henson	Nimmer	Spencer
Ballinger	Dickerson	Hightower	Nix	E Stephens, M
Barr	Dickey	Hitchens	O'Neal	Stover
Battles	Dickson	Holcomb	Pak	Strickland
Beasley-Teague	Douglas	Holmes	Parsons	Talton
Bell	Drenner	Holt	E Peake	Tankersley
E Bennett	Dudgeon	Houston	Pezold	Tanner
Bentley	E Dunahoo	Hugley	Powell, A	Taylor, D
Benton	Duncan	Jackson	E Powell, J	Taylor, T
Black	Dutton	E Jacobs	Prince	Teasley
Braddock	Efstration	Jasperse	Pruett	E Thomas, A.M.
Broadrick	England	Jones, L	Quick	Turner
Brockway	Epps, J	Jones, S	Ramsey	Waites
Brooks	Evans	E Jordan	Rice	Watson, B
E Bryant	Fleming	Kaiser	Riley	Watson, S
Buckner	Fludd	Kelley	Roberts	Welch
Burns	Frazier	Kidd	Rogers, C	Weldon
Caldwell, J	Frye	Kirby	Rogers, T	Wilkerson
Caldwell, M	E Fullerton	Knight	Rutledge	Wilkinson
Carson	Gasaway	Lindsey	Rynders	Willard
Carter	Geisinger	Lumsden	Scott	E Williams, A
Casas	Glanton	Mabra	E Setzler	Williams, C
Chandler	Golick	Martin	Sharper	Williams, E
Channell	E Gordon	Maxwell	Shaw	Williamson
Chapman	Gravley	Mayo	Sims, B	Yates
Cheokas	Greene	McCall	E Sims, C	Ralston, Speaker
Clark, J	Gregory			

The following members were off the floor of the House when the roll was called:

Representatives Beverly of the 143rd, Bruce of the 61st, Coleman of the 97th, Cooke of the 18th, Dawkins-Haigler of the 91st, Dollar of the 45th, Ehrhart of the 36th, Epps of the 132nd, Gardner of the 57th, Hamilton of the 24th, Harrell of the 106th, Howard of the 124th, Kendrick of the 93rd, Marin of the 96th, Mitchell of the 88th, Morris of the 156th,

Oliver of the 82nd, Parrish of the 158th, Randall of the 142nd, Stephens of the 164th, and Stovall of the 74th.

They wished to be recorded as present.

Prayer was offered by Mr. Darrel Chaney; National Motivational, Inspirational & Spiritual Speaker; Sautee, Nacoochee, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 933. By Representatives Atwood of the 179th, Knight of the 130th, Stephens of the 164th, Williams of the 168th, Watson of the 166th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to remove the sunset for the exemption regarding the sale or use of

certain property used in the maintenance or repair of certain aircraft; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 934. By Representative Harrell of the 106th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to exempt aviation gasoline used by air ambulance services from certain taxes; to provide for a definition; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 935. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that an exemption from the disclosure of public records shall include local retirement systems; to provide for a biennial actuarial investigation of local retirement systems; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 936. By Representatives Beverly of the 143rd, Howard of the 124th, Abrams of the 89th and Fludd of the 64th:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions for state government, so as to provide that information pertaining to certain contracts with state agencies be open for inspection; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 937. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Firefighters' Pension Fund, so as to define certain terms; to provide for the return of member

contribution when a member not in good standing dies; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 938. By Representatives Efstoration of the 104th, Kendrick of the 93rd, Brockway of the 102nd, Chandler of the 105th, Clark of the 101st and others:

A BILL to be entitled an Act to provide that future elections for the office of chief magistrate of Gwinnett County shall be nonpartisan elections; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 939. By Representatives Efstoration of the 104th, Kendrick of the 93rd, Brockway of the 102nd, Chandler of the 105th, Clark of the 101st and others:

A BILL to be entitled an Act to provide that future elections for the office of probate judge of Gwinnett County shall be nonpartisan elections; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 940. By Representatives Willard of the 51st, Smith of the 134th and Morris of the 156th:

A BILL to be entitled an Act to amend an Act providing for an additional judge of the Chattahoochee Judicial Circuit and Oconee Judicial Circuit, approved May 6, 2013 (Ga. L. 2013, p. 570), so as to change the date of election of such additional judges; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 941. By Representatives Wilkerson of the 38th, McClain of the 100th, Hugley of the 136th, Prince of the 127th, Dickerson of the 113th and others:

A BILL to be entitled an Act to amend Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to competitive bidding procedures for state purchasing, so as to require a cost comparison prior to entering into certain private service contracts; to prohibit the state from entering into

private service contracts unless financially advantageous compared to performance of the contract by public employees; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Properties.

HB 942. By Representatives Gordon of the 163rd, Smith of the 125th, Abrams of the 89th, Stephens of the 165th, Scott of the 76th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for online voter registration; to provide for online updating of voter registration information; to provide for procedures and requirements; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 943. By Representatives Hawkins of the 27th, Smith of the 134th, Ramsey of the 72nd, Cooper of the 43rd, Broadrick of the 4th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance generally, so as to require that a health benefit policy that provides coverage for intravenously administered or injected chemotherapy for the treatment of cancer shall provide coverage no less favorable for orally administered chemotherapy; to provide a short title; to provide for definitions; to provide prohibited actions; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 944. By Representatives Alexander of the 66th, Beasley-Teague of the 65th, Jones of the 62nd and Bruce of the 61st:

A BILL to be entitled an Act to amend an Act creating a board of elections and registration for Douglas County, approved May 13, 2008 (Ga. L. 2008, p. 3880), so as to provide for composition of the board and the selection and appointment of members; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 945. By Representatives Kaiser of the 59th, Frazier of the 126th and Abrams of the 89th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for portable voter registration in this state; to provide for name changes and eligibility for voting under such new name; to provide for voting after moving to new address; to provide for certain maintenance of the state-wide voter registration list; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 946. By Representative Mosby of the 83rd:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to provide exceptions to certain requirements for students who graduated from high school or received a general educational development diploma prior to 1993; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 947. By Representatives Clark of the 98th, Hamilton of the 24th, Golick of the 40th, Barr of the 103rd, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 7 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to master and servant, so as to provide for the payment of wages by credit to a prepaid debit card; to require employers to offer employees certain choices relating to the payment of wages; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industry and Labor.

HB 948. By Representatives Stephens of the 165th, Gordon of the 163rd, Bryant of the 162nd, Stephens of the 164th, Hitchens of the 161st and others:

A BILL to be entitled an Act to amend Code Section 20-2-690.1 of the Official Code of Georgia Annotated, relating to mandatory education for children, so as to authorize the General Assembly to provide by local law for mandatory attendance until age 17 within a local school system; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 949. By Representatives Gregory of the 34th, Spencer of the 180th, Stover of the 71st and Caldwell of the 20th:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions regarding hunting, so as to authorize the use of suppressors on hunting firearms; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

HB 950. By Representatives Gregory of the 34th, Spencer of the 180th, Stover of the 71st and Caldwell of the 20th:

A BILL to be entitled an Act to amend Code Section 40-6-49 of the Official Code of Georgia Annotated, relating to following too closely, so as to provide that such action shall be a punishable offense only if such activity results in contact with another vehicle; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 951. By Representatives Gregory of the 34th, Spencer of the 180th and Stover of the 71st:

A BILL to be entitled an Act to amend Article 4 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to conduct and argument of counsel relative to trial, so as to permit a certain argument to the jury; to provide for a short title; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 1263. By Representative Shaw of the 176th:

A RESOLUTION honoring the life of Governor Eurith Dickinson "Ed" Rivers and dedicating a road in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1264. By Representatives Bentley of the 139th and Buckner of the 137th:

A RESOLUTION honoring the life of Mr. Olief Wainwright and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1265. By Representatives Kelley of the 16th, Setzler of the 35th and Dudgeon of the 25th:

A RESOLUTION creating the House Study Committee on Autonomous Vehicle Technology; and for other purposes.

Referred to the Committee on Science and Technology.

HR 1279. By Representatives Powell of the 32nd, McCall of the 33rd, Burns of the 159th, Rogers of the 10th, Watson of the 166th and others:

A RESOLUTION encouraging the development of a water management plan for the Savannah River Basin; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 1280. By Representatives Caldwell of the 20th, Stephens of the 164th and Wilkinson of the 52nd:

A RESOLUTION encouraging the Executive Branch and the United States Congress to support the successful negotiation of a mutually beneficial Transatlantic Trade and Investment Partnership between the United States and European Union; and for other purposes.

Referred to the Committee on Economic Development & Tourism.



HR 1281. By Representative Chapman of the 167th:

A RESOLUTION honoring the life of Mr. Johnny "Eric" Purvis and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the following Bills and Resolutions of the House were read the second time:

HB 921	HB 922
HB 923	HB 924
HB 925	HB 926
HB 927	HB 928
HB 929	HB 930
HB 931	HB 932
HR 1235	HR 1236
HR 1237	HR 1238
HR 1239	HR 1240

Representative Tankersley of the 160th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 892	Do Pass	HB 902	Do Pass
HB 909	Do Pass	HB 912	Do Pass
HB 916	Do Pass		

Respectfully submitted,  
/s/ Tankersley of the 160th  
Chairman

Representative Willard of the 51st District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 1            Do Pass, by Substitute

Respectfully submitted,  
/s/ Willard of the 51st  
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR  
FRIDAY, FEBRUARY 7, 2014

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 19th Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

HB 654	Guardian; change provisions relating to appointment of a testamentary guardian (Substitute)(Judy-Oliver-82nd)
HB 766	Work Based Learning Act; enact (Substitute)(Ed-Lumsden-12th)
HB 837	Probation services; provide for legislative findings and intent; provisions (Substitute)(PS&HS-Hamilton-24th)

**Modified Structured Rule**

None

**Structured Rule**

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,  
/s/ Meadows of the 5th  
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 892. By Representatives Dudgeon of the 25th, Hamilton of the 24th, Duncan of the 26th and Tanner of the 9th:

A BILL to be entitled an Act to provide for the creation of a community improvement district in Forsyth County; to provide that Chapter 5 of Title 10 of the O.C.G.A. shall not apply to the offer, sale, or issuance of the board's bonds, notes, or other obligations; to provide that no notice, proceeding, publication, or referendum shall be required; to provide for the life of the district; to provide the procedures connected with all of the foregoing; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 902. By Representatives Dudgeon of the 25th, Hamilton of the 24th, Tanner of the 9th and Duncan of the 26th:

A BILL to be entitled an Act to amend an Act creating the State Court of Forsyth County, approved April 15, 1996 (Ga. L. 1996, p. 4558), as amended, particularly by an Act approved April 14, 1997 (Ga. L. 1997, p. 4173), and an Act approved May 5, 2006 (Ga. L. 2006, p. 4619), so as to correct an error in establishing the terms of court; to provide for the frequency of payment of compensation to the judges of the court; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 909. By Representatives England of the 116th and Kirby of the 114th:

A BILL to be entitled an Act to amend an Act reincorporating the City of Winder, Georgia, in the County of Barrow, approved March 25, 1974 (Ga. L.

1974, p. 3476), as amended, particularly by an Act approved May 5, 2006 (Ga. L. 2006, p. 4624), so as to change the corporate limits of such city; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 912. By Representative Buckner of the 137th:

A BILL to be entitled an Act to amend an Act incorporating the City of Manchester, approved August 16, 1909 (Ga. L. 1909, p. 1071), as amended, particularly by an Act approved April 9, 1999 (Ga. L. 1999, p. 3668) and an Act approved March 20, 2012 (Ga. L. 2012, p. 4486), so as to provide for staggered terms of office for members of the governing authority; to provide for the manner of election and transition terms; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 916. By Representative Powell of the 171st:

A BILL to be entitled an Act to provide a new charter for the City of Baconton; to provide for incorporation, boundaries, and powers of the city; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Gregory	Y McCall	E Smith, E
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, L
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, M
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, R
Y Atwood	Y Dempsey	Y Harrell	E Morgan	Smyre
Y Ballinger	Y Dickerson	Y Hatchett	Y Morris	Spencer
Y Barr	Y Dickey	Y Hawkins	Y Mosby	E Stephens, M
Y Battles	Y Dickson	Henson	Y Nimmer	Y Stephens, R
Y Beasley-Teague	Y Dollar	Y Hightower	Y Nix	Stephenson

Y Bell	Y Douglas	Y Hitchens	Y Oliver	Y Stovall
Y Bennett	Y Drenner	Y Holcomb	Y O'Neal	Stover
Y Bentley	Y Dudgeon	Y Holmes	Y Pak	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Parrish	Y Talton
Y Beverly	E Dunahoo	Y Houston	Y Parsons	Y Tankersley
Y Black	Y Duncan	Y Howard	E Peake	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Pezold	Y Taylor, D
Y Broadrick	Y Efstration	Y Jackson	Y Powell, A	Y Taylor, T
Y Brockway	Ehrhart	E Jacobs	E Powell, J	Y Teasley
Y Brooks	Y England	Y Jasperse	Y Prince	E Thomas, A.M.
Y Bruce	Epps, C	Y Jones, J	Y Pruett	Y Turner
E Bryant	Y Epps, J	Y Jones, L	Y Quick	Vacant
Y Buckner	Y Evans	Y Jones, S	Y Ramsey	Vacant
Y Burns	Y Fleming	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Frye	Y Kidd	Y Rogers, C	Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Scott	E Williams, A
Y Cheokas	Y Glanton	Y Mabra	E Setzler	Y Williams, C
Y Clark, J	Y Golick	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	E Gordon	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Sims, B	Yates
Cooke	Y Greene	Y Mayo	E Sims, C	Ralston, Speaker

On the passage of the Bills, the ayes were 152, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 286. By Senators Murphy of the 27th, Gooch of the 51st, Ginn of the 47th, Miller of the 49th, Wilkinson of the 50th and others:

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change the maximum percent by volume of wine to that which is currently allowed under federal law; to change the definition of certain terms; to authorize wineries to buy and use certain products to manufacture particular types of wine; to provide for

related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 307. By Senators Carter of the 1st and Jackson of the 2nd:

A BILL to be entitled an Act to provide for a homestead exemption from Town of Thunderbolt ad valorem taxes for municipal purposes in the amount of the assessed value of the homestead for residents of that town who are 65 years of age or older and whose income does not exceed \$30,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

- SR 735. By Senators Beach of the 21st, Millar of the 40th, Fort of the 39th, Gooch of the 51st and Carter of the 42nd:

A RESOLUTION urging metropolitan Atlanta transit authorities to join forces to establish a website; and for other purposes.

By unanimous consent, the following Bills and Resolution of the Senate were read the first time and referred to the Committees:

- SB 286. By Senators Murphy of the 27th, Gooch of the 51st, Ginn of the 47th, Miller of the 49th, Wilkinson of the 50th and others:

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change the

maximum percent by volume of wine to that which is currently allowed under federal law; to change the definition of certain terms; to authorize wineries to buy and use certain products to manufacture particular types of wine; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Budget and Fiscal Affairs Oversight.

SB 307. By Senators Carter of the 1st and Jackson of the 2nd:

A BILL to be entitled an Act to provide for a homestead exemption from Town of Thunderbolt ad valorem taxes for municipal purposes in the amount of the assessed value of the homestead for residents of that town who are 65 years of age or older and whose income does not exceed \$30,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SR 735. By Senators Beach of the 21st, Millar of the 40th, Fort of the 39th, Gooch of the 51st and Carter of the 42nd:

A RESOLUTION urging metropolitan Atlanta transit authorities to join forces to establish a website; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Dempsey of the 13th, Drenner of the 85th, Stovall of the 74th, Beasley-Teague of the 65th, Kaiser of the 59th et al., and Sims of the 123rd.

Pursuant to HR 1266, the House commended the Georgia State Defense Force and invited John S. Derucki, Melanie Dallas, Anthony Rollins, Raymond Slocumb, Jr., and Rodney D. Akers to be recognized by the House of Representatives.

Pursuant to HR 1231, the House commended Brooke Rucker and invited her to be recognized by the House of Representatives.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 766. By Representatives Lumsden of the 12th, Coleman of the 97th, Dudgeon of the 25th, Clark of the 101st, Dickson of the 6th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for work based learning programs; to provide for a short title; to provide for legislative findings; to provide for requirements for work based learning programs; to provide requirements for local coordinators; to revise provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for work based learning programs; to provide for a short title; to provide for legislative findings; to provide for requirements for work based learning programs; to provide for local coordinators; to revise provisions for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Work Based Learning Act."



**SECTION 2.**

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Code Section 20-2-161.2, relating to the Youth Apprenticeship Program, as follows:

"20-2-161.2.

(a) The General Assembly finds that it would be beneficial to students, employers, and the economic health of the state to assist in providing highly trained, technologically sophisticated, and career oriented students which will aid in the development of a successful twenty-first century work force. By opening their doors to work based learning opportunities, employers can play an active role in shaping the quality of their future work force, by preparing potential leaders for their company and their community, and by helping shape future curriculum to create an educated work force for their industry as a whole. Work based learning programs can provide students the opportunity to work and learn in a real-world environment and prepare them for future career opportunities. Such work based learning opportunities can be accomplished by developing partnerships between and among the business community, industry, students, parents, school systems, and postsecondary education institutions.

(a)(b) Any eleventh or twelfth grade pupil or pupil student aged 16 or over in any public school in this state may enroll in a Youth Apprenticeship Program work based learning program which is offered at that public school and which is approved for secondary credit by the department. Such pupil student shall be granted release time from the public school to work as an apprentice a student learner for any business enterprise which is approved by the department local work based learning coordinator as a qualified employer under the educational apprenticeship program pursuant to this Code section and work based learning program guidelines established by the department. A pupil student shall receive secondary credit for such apprenticeship work based learning only under the conditions established by the department. The department is authorized to establish a Youth Apprenticeship Program work based learning programs and guidelines to assist local school systems in operating such programs and to promulgate such policies, standards, procedures, criteria, and administrative requirements as may be necessary to implement the program by rules and regulations. The work based learning programs established pursuant to this Code section may include, but not be limited to, employability skill development, cooperative education, internships, and youth apprenticeships. The department shall consult collaborate with the Department of Labor and the Technical College System of Georgia in developing such policies and procedures. The department's certified educational apprenticeship plan work based learning programs shall include but not be limited to the following:

- (1) A detailed training agreement and training plan between employer and apprentice student that identifies specific work tasks that will develop workplace competency;
- (2) A minimum of 144 classroom hours of related academic instruction and training one unit of credit in a career pathway course related to the work based learning placement;

- (3) A minimum of ~~2,000~~ number of hours of on-the-job training as required in the department's guidelines for awarding secondary credit;
- ~~(4) A progressive wage schedule established by the participating employer;~~
- ~~(5)~~(4) On-site evaluation of the ~~pupil's~~ student's performance;
- ~~(6)~~(5) Training remediation as necessary at the school site;
- ~~(7)~~(6) A broad range of skills but shall be focused on ~~manufacturing and engineering technology, administration and office technology, and health care~~ skills related to the student's career pathway;
- ~~(8)~~(7) Development of materials by the business, industry, and labor community in conjunction with the department to promote the awareness of ~~apprenticeships~~ work based learning opportunities for high school students and encourage recruitment; and
- ~~(9)~~(8) Structural linkage between secondary and postsecondary components of the program leading to the awarding of a high school diploma and, in the case of youth apprenticeships, a postsecondary certification of occupational skills credential related to the student's career pathway.
- (c) Local school systems may designate one or more local work based learning coordinators to coordinate and oversee work based learning programs for the school system.
- (d) A college and career academy established in accordance with Code Section 20-4-37 which participates in work based learning programs pursuant to this Code section and its charter shall be eligible for any funding or assistance available for the implementation of this Code section.
- ~~The apprenticeship program shall include on-site training only in positions that have been certified by the Department of Labor as highly skilled jobs in business and industry.~~
- ~~(b) The department shall develop pilot projects for the fiscal year 1994 and fiscal year 1995 school years and shall implement and direct a comprehensive apprenticeship program for all school systems by fiscal year 1996."~~

### SECTION 3.

Said chapter is further amended by revising subsection (g) of Code Section 20-2-159.5, relating to dual credit courses, as follows:

"(g) Students enrolled in ~~the Georgia Youth Apprenticeship Program~~ a work based learning program under Code Section 20-2-161.2 ~~shall~~ may be eligible to earn dual credit upon completing a planned training experience under guidelines developed by the State Board of Education and the State Board of the Technical College System of Georgia provided students meet postsecondary readiness established in reading and writing and mathematics for the particular advanced training program or associate's degree."

**SECTION 4.**

Said chapter is further amended by revising paragraph (5) of subsection (c) of Code Section 20-2-327, relating to recognition of advanced proficiency/honors courses, and counseling and development of individual graduation plans, as follows:

"(5) Include experience based, career oriented learning experiences which may include, but not be limited to, participation in work based learning programs such as internships, apprenticeships, mentoring, co-op cooperative education, and service learning employability skill development;"

**SECTION 5.**

Said chapter is further amended by revising paragraph (3) of Code Section 20-2-329, relating to requirements for high schools that receive a reform grant, as follows:

"(3) Provide students in the ninth through twelfth grades information on educational programs offered in high school, in technical and community colleges, in colleges and universities, and through apprenticeship work based learning programs and how these programs can lead to a variety of career fields. Local school systems shall provide career awareness and exploratory opportunities for such as field trips, speakers, educational and career information centers, job shadowing, and classroom centers to assist students and their parents or guardians, with guidance from school counselors and teacher advisers, in revising, if appropriate, the individual graduation plan developed pursuant to subsection (c) of Code Section 20-2-327;"

**SECTION 6.**

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	N Gregory	Y McCall	E Smith, E
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, L
Y Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, M
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, R
Y Atwood	Y Dempsey	Y Harrell	E Morgan	Y Smyre
Y Ballinger	E Dickerson	Y Hatchett	Y Morris	Y Spencer
Y Barr	Y Dickey	Y Hawkins	Y Mosby	E Stephens, M
Y Battles	Y Dickson	Y Henson	Y Nimmer	Y Stephens, R
Y Beasley-Teague	Y Dollar	Y Hightower	Y Nix	Y Stephenson
Y Bell	Y Douglas	Y Hitchens	Y Oliver	Y Stovall
Y Bennett	Y Drenner	Y Holcomb	Y O'Neal	Y Stover
Y Bentley	Y Dudgeon	Y Holmes	Y Pak	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Parrish	Y Talton
Y Beverly	E Dunahoo	Y Houston	Y Parsons	Y Tankersley
Y Black	Y Duncan	Y Howard	E Peake	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Pezold	Y Taylor, D

Y Broadrick	Y Efstoration	Y Jackson	Y Powell, A	Y Taylor, T
Y Brockway	Y Ehrhart	Y Jacobs	E Powell, J	Y Teasley
Y Brooks	Y England	Y Jasperse	Y Prince	E Thomas, A.M.
Y Bruce	Epps, C	Y Jones, J	Y Pruett	Y Turner
E Bryant	Y Epps, J	Y Jones, L	Y Quick	Vacant
Y Buckner	Y Evans	Y Jones, S	Y Ramsey	Vacant
Y Burns	Y Fleming	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Frye	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gardner	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Scott	E Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Golick	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	E Gordon	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Sims, B	Y Yates
Y Cooke	Y Greene	Y Mayo	Y Sims, C	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 1.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 837. By Representatives Hamilton of the 24th, Powell of the 32nd, Golick of the 40th, Maxwell of the 17th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to agreements for probation services, so as to provide for legislative findings and intent; to provide for the supervision of misdemeanor and county and city ordinance offenders by county and municipal probation officers and private probation services providers; to provide for the revocation, modification, and tolling of sentences under certain circumstances by county and municipal courts; to provide for the conditions of probation; to provide for the assessment and collection of costs of probation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

#### A BILL TO BE ENTITLED AN ACT

To amend Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to agreements for probation services, so as to provide for legislative findings and

intent; to provide for the supervision of misdemeanor and county and city ordinance offenders by county and municipal probation officers and private probation services providers; to provide for the revocation, modification, and tolling of sentences under certain circumstances by county and municipal courts; to provide for the conditions of probation; to provide for the assessment and collection of costs of probation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

### **SECTION 1.**

The General Assembly finds that:

- (1) The authorization for county and municipal probation offices and private probation services was enacted to provide cost savings to the state by using state probation services for felony offenders and utilizing county and municipal probation offices and private probation entities which contract with courts for the supervision of misdemeanor and county and city ordinance offenders;
- (2) In enacting such legislation, the General Assembly intended to authorize judges to use county and municipal probation offices and private probation services providers to supervise misdemeanor and county and city ordinance offenders in the same manner as the judges of the superior courts use state probation services as a means of supervising felony offenders;
- (3) The General Assembly did not intend to restrict the powers of judges to impose, suspend, toll, revoke, or otherwise manage the probation of misdemeanor and county and city ordinance offenders sentenced in such courts when utilizing county and municipal probation offices and private probation services providers;
- (4) The General Assembly intended that county and municipal probation officers and private probation officers, when acting in performance of their official duties in supervising probationers in accordance with law and the orders of a court, would have the same rights, authority, and protections as state probation supervisors;
- (5) This Act is being enacted in response to the decision of the Superior Court of Richmond County in a series of cases in which the court found limitations on the use of such probation officers by courts that the General Assembly did not intend to exist; and
- (6) This Act is enacted to clarify the intent of the General Assembly with regard to the use and provision of probation services by courts for misdemeanor and ordinance violations.

### **SECTION 2.**

Article 6 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to agreements for probation services, is amended by revising Code Section 42-8-100, relating to jurisdiction of probation matters in ordinance violation cases, costs, and

agreements between chief judges of county courts or judges of municipal courts and corporations, enterprises, or agencies for probation services, as follows:

"42-8-100.

(a) As used in this article, the term:

(1) 'Council' means the County and Municipal Probation Advisory Council created under Code Section 42-8-101.

(2) 'Private probation officer' means a probation officer employed by a private corporation, private enterprise, private agency, or other private entity that provides probation services.

(3) 'Probation officer' means a person employed to supervise defendants placed on probation by a ~~county or municipal~~ court for committing an ordinance violation or misdemeanor.

(b) Any ~~county or municipal~~ court which has original jurisdiction of ordinance violations or misdemeanors and in which the defendant in such a case has been found guilty upon verdict or ~~any plea~~ has pled guilty or nolo contendere may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.

(c) If it appears to the court upon a hearing of the matter that the defendant is not likely to engage in an unlawful course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion shall impose sentence upon the defendant but may stay and suspend the execution of the sentence or any portion thereof or may place him or her on probation under the supervision and control of a probation officer for the duration of such probation, subject to the provisions of this Code section. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant; provided, however, that nothing in this chapter shall be construed to limit the ability of a court to toll a sentence as provided in this article.

(d) The court may, in its discretion, require the payment of a fine or costs, or both, as a condition precedent to probation or as a condition of probation, including the costs of probation supervision and the costs of electronic monitoring as provided in subsection (a) of Code Section 42-8-100.1.

(e) The sentencing judge shall not lose jurisdiction over any person placed on probation during the term of his or her probated sentence. The judge is empowered to revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, modify or change the probated sentence, including tolling the sentence as provided in this article, at any time during the period of time originally prescribed for the probated sentence to run.

(f) If a defendant is placed on probation pursuant to this Code section by a ~~county or municipal~~ court other than one for the county or municipality in which he or she resides for committing any ordinance violation or misdemeanor, such defendant may, when specifically ordered by the court, have his or her probation supervision transferred to the county or municipality in which he or she resides.

(g)(1) The chief judge of any court within the county, with the approval of the governing authority of that county, is authorized to enter into written contracts with corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in that court and placed on probation in the county. In no case shall a private probation corporation or enterprise be charged with the responsibility for supervising a felony sentence. The final contract negotiated by the chief judge with the private probation entity shall be attached to the approval by the governing authority of the county to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection entered into on or after July 1, 2001, shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract. The termination of a contract for probation services as provided for in this subsection in existence on July 1, 2001, and which contains no provisions relating to termination of such contract shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the county which entered into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) The chief judge of any court within the county, with the approval of the governing authority of that county, is authorized to establish a county probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in that court and placed on probation in the county.

(h)(1) The judge of the municipal court of any municipality or consolidated government of a municipality and county of this state, with the approval of the governing authority of that municipality or consolidated government, is authorized to enter into written contracts with private corporations, enterprises, or agencies to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed and on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation. The final contract negotiated by the judge with the private probation entity shall be attached to the approval by the governing authority of the municipality or consolidated government to privatize probation services as an exhibit thereto. The termination of a contract for probation services as provided for in this subsection entered into on or after July 1, 2001, shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the municipality or consolidated

government which entered into the contract and in accordance with the agreed upon, written provisions of such contract. The termination of a contract for probation services as provided for in this subsection in existence on July 1, 2001, and which contains no provisions relating to termination of such contract shall be initiated by the chief judge of the court which entered into the contract, and subject to approval by the governing authority of the municipality or consolidated government which entered into the contract and in accordance with the agreed upon, written provisions of such contract.

(2) The judge of the municipal court of any municipality or consolidated government of a municipality and county of this state, with the approval of the governing authority of that municipality or consolidated government, is authorized to establish a probation system to provide probation supervision, counseling, collection services for all moneys to be paid by a defendant according to the terms of the sentence imposed ~~and~~ on the defendant as well as any moneys which by operation of law are to be paid by the defendant in consequence of the conviction, and other probation services for persons convicted in such court and placed on probation."

### SECTION 3.

Said article is further amended by adding a new Code section to read as follows:

"42-8-100.1.

(a) A court which utilizes the services of a probation officer or private probation officer shall determine the terms and conditions of probation under this article and may provide such terms and conditions of probation as the court deems appropriate, including, but not limited to, providing that the probationer shall:

(1) Avoid injurious and vicious habits;

(2) Avoid persons or places of disreputable or harmful character;

(3) Report to the probation officer or private probation officer, as the case may be, as directed;

(4) Permit the probation officer or private probation officer, as the case may be, to visit the probationer at the probationer's home or elsewhere;

(5) Work faithfully at suitable employment insofar as may be possible;

(6) Remain within a specified location; provided, however, that the court shall not banish a probationer to any area within the state:

(A) That does not consist of at least one entire judicial circuit as described by Code Section 15-6-1; or

(B) In which any service or program in which the probationer must participate as a condition of probation is not available;

(7) Make reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense, in an amount to be determined by the court in accordance with the provisions of Article 1 of Chapter 14 of Title 17. Unless otherwise provided by law, no reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense shall be made if the amount is in



dispute unless the same has been determined as provided in Article 1 of Chapter 14 of Title 17;

(8) Make reparation or restitution as reimbursement to a municipality or county for the payment for medical care furnished the person while incarcerated pursuant to the provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local governmental unit for the provision of medical care shall be made if the amount is in dispute unless the same has been determined as provided in Article 1 of Chapter 14 of Title 17;

(9) Repay the costs incurred by any municipality or county for wrongful actions by an inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section 42-4-71;

(10) Support the probationer's legal dependents to the best of the probationer's ability;

(11) Violate no local, state, or federal laws and be of general good behavior;

(12) If permitted to move or travel to another state, agree to waive extradition from any jurisdiction where the probationer may be found and not contest any effort by any jurisdiction to return the probationer to this state;

(13) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the court, including periodic screening for drugs and alcohol as ordered by the court and mental health evaluations as ordered by the court. The court may assess and the probation officer or private probation officer, as the case may be, shall be authorized to collect the costs or a portion of the costs, as determined by the court, of such evaluations, testing, rehabilitation programs, and screenings from the probationer;

(14) Wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning satellite systems. The court shall assess and the probation officer or private probation officer, as the case may be, shall collect fees from the probationer for such monitoring;

(15) Wear a device capable of detecting drug or alcohol use by the probationer. The court shall assess and the probation officer or private probation officer, as the case may be, shall collect fees from the probationer for such monitoring;

(16) Complete a residential or nonresidential program for substance abuse or mental health treatment as indicated by a risk and needs assessment for which the court may assess and the probation officer or private probation officer, as the case may be, shall be authorized to collect the costs of or a portion of the costs, as determined by the court, of such program from the probationer;

(17) Pay for the cost of any drug and alcohol screening ordered by the court; and

(18) Pay for the cost of probation supervision services as ordered by the court as a precedent to probation.

(b)(1) It shall be the duty of a probationer, as a condition of probation, to keep his or her probation officer or private probation officer, as the case may be, informed as to his or her residence. The court may also require, as a condition of probation and under such terms as the court deems advisable, that the probationer keep his or her

probation officer or private probation officer, as the case may be, informed as to his or her whereabouts.

(2) The running of a probated sentence shall be tolled upon:

(A) The failure of a probationer to report to his or her probation officer or private probation officer, as the case may be, as directed or failure to appear in court for a probation revocation hearing; either of such failures may be evidenced by an affidavit from the probation officer or private probation officer, as the case may be, setting forth such failure; or

(B) The filing of a return of non est inventus or other return to a warrant, for the violation of the terms and conditions of probation, that the probationer cannot be found in the county that appears from the records of the probation officer or private probation officer, as the case may be, to be the probationer's county of residence. Any officer authorized by law to issue or serve warrants may return the warrant for the absconded probationer showing non est inventus.

(3) The effective date of the tolling of the sentence shall be the date the court enters a tolling order and shall continue until the probationer shall personally report to the probation officer or private probation officer, as the case may be; is taken into custody in this state; or is otherwise available to the court.

(4) Any tolled period of time shall not be included in computing creditable time served on probation or as any part of the time that the probationer was sentenced to serve.

(5) Any unpaid fines, restitution, or any other moneys owed as a condition of probation shall be due when the probationer is arrested; provided, however, that if the entire balance of his or her probation is revoked, all the conditions of probation, including moneys owed, shall be negated by his or her imprisonment. If only part of the balance of the probation is revoked, the probationer shall still be responsible for the full amount of the unpaid fines, restitution, and other moneys upon his or her return to probation after release from imprisonment.

(c) Nothing in this Code section shall be construed as prohibiting a court in appropriate circumstances from imposing additional special conditions of probation unless otherwise prohibited by law.

(d) Probation officers and private probation officers shall be authorized to participate in and conduct pretrial diversion programs as directed by the prosecuting agency."

#### **SECTION 4.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

#### **SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.

The Speaker ordered that further consideration of HB 837 be postponed until the next legislative day.

HB 654. By Representatives Oliver of the 82nd, Quick of the 117th, Fleming of the 121st, McCall of the 33rd, Willard of the 51st and others:

A BILL to be entitled an Act to amend Code Section 29-2-4 of the Official Code of Georgia Annotated, relating to nomination of testamentary guardian, so as to change provisions relating to the appointment of a testamentary guardian; to provide for objections to the nomination of a testamentary guardian and procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 29-2-4 of the Official Code of Georgia Annotated, relating to nomination of testamentary guardian, so as to change provisions relating to the appointment of a testamentary guardian; to provide for objections to the nomination of a testamentary guardian and procedure; to amend Code Section 53-5-21 of the Official Code of Georgia Annotated, relating to the procedure for probating a will in solemn form, so as to provide for conforming a cross-reference; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 29-2-4 of the Official Code of Georgia Annotated, relating to nomination of testamentary guardian, is amended by revising subsection (b) as follows:

"(b)(1) Unless the minor has another living parent, upon probate of the minor's parent's will, letters of guardianship shall be issued to the individual nominated in the will who shall serve as testamentary guardian without ~~notice or a~~ hearing provided that the individual is willing to serve and no objection is filed. If a timely objection is filed, letters of guardianship shall only be issued after a hearing held pursuant to paragraph (4) of this subsection.

(2) At the time such will is offered for probate, notice of the testamentary guardianship shall be served by certified mail or statutory overnight delivery, return receipt requested, to the minor child's adult siblings. If such child does not have any adult siblings, such notice shall be served on his or her grandparents. If such child does not have adult siblings or grandparents, such notice shall be served on such child's great-grandparents, aunts, uncles, great aunts, or great uncles, insofar as any such relative exists.

(3) Any person who receives a notice pursuant to this subsection and objects to the appointment of the nominated testamentary guardian shall file an objection with the

court within ten days of being served with notice. Such objection shall include allegations and facts with reasonable specificity stating why the nominated testamentary guardian is unfit to serve.

(4) If a timely objection is filed, the court shall conduct an expedited hearing within 30 days of the date of the filing of the last objection. The hearing shall be conducted in accordance with Code Section 29-2-14. The court shall award the letters of guardianship to the nominated testamentary guardian unless the objecting party establishes by clear and convincing evidence that the nominated testamentary guardian is unfit to serve as testamentary guardian.

(5) Any proceeding relating to the appointment of a testamentary guardian shall not affect or delay the probating of a will."

## **SECTION 2.**

Code Section 53-5-21 of the Official Code of Georgia Annotated, relating to the procedure for probating a will in solemn form, is amended by revising subsection (b) as follows:

"(b) The petition to probate a will in solemn form shall set forth the full name, the place of domicile, and the date of death of the testator; the mailing address of the petitioner; the names, ages or majority status, and addresses of the surviving spouse and of all the other heirs, stating their relationship to the testator; and whether, to the knowledge of the petitioner, any other proceedings with respect to the probate of another purported will of the testator are pending in this state and, if so, the names and addresses of the propounders and the names, addresses, and ages or majority status of the beneficiaries under the other purported will. If a testamentary guardian is being appointed in accordance with subsection (b) of Code Section 29-2-4, the names and mailing addresses of any persons required to be served with notice pursuant to such Code section shall be provided by the petitioner. In the event full particulars are lacking, the petition shall state the reasons for any omission. The petition shall conclude with a prayer for issuance of letters testamentary. If all of the heirs acknowledge service of the petition and notice and shall in their acknowledgment assent thereto, and if there are no other proceedings pending in this state with respect to the probate of another purported will of the decedent, the will may be probated and letters testamentary thereupon may issue without further delay; provided, however, that letters of guardianship shall only be issued in accordance with Code Section 29-2-4."

## **SECTION 3.**

This Act shall become effective on January 1, 2015.

## **SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to,

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abrams	Y Coomer	Y Gregory	Y McCall	E Smith, E
Y Alexander	Y Cooper	Y Hamilton	Y McClain	Y Smith, L
Allison	Y Dawkins-Haigler	Y Harbin	Y Meadows	Y Smith, M
Y Anderson	Y Deffenbaugh	Y Harden	Y Mitchell	Y Smith, R
Y Atwood	Y Dempsey	Y Harrell	E Morgan	Y Smyre
Y Ballinger	E Dickerson	Y Hatchett	Y Morris	Y Spencer
Y Barr	Y Dickey	Y Hawkins	Y Mosby	E Stephens, M
Y Battles	Y Dickson	Y Henson	Y Nimmer	Y Stephens, R
Y Beasley-Teague	Y Dollar	Hightower	Y Nix	Y Stephenson
Y Bell	Y Douglas	Y Hitchens	Y Oliver	Y Stovall
Y Bennett	Y Drenner	Y Holcomb	Y O'Neal	Y Stover
Y Bentley	Y Dudgeon	Y Holmes	Y Pak	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Parrish	Y Talton
Y Beverly	E Dunahoo	Y Houston	Y Parsons	Y Tankersley
Y Black	Y Duncan	Y Howard	E Peake	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Pezold	Taylor, D
Y Broadrick	Y Efstration	Y Jackson	Y Powell, A	Y Taylor, T
Brockway	Ehrhart	Y Jacobs	E Powell, J	Y Teasley
Y Brooks	Y England	Y Jasperse	Y Prince	E Thomas, A.M.
Y Bruce	Y Epps, C	Y Jones, J	Y Pruett	Y Turner
E Bryant	Y Epps, J	Y Jones, L	Y Quick	Vacant
Y Buckner	Y Evans	Y Jones, S	Ramsey	Vacant
Y Burns	Y Fleming	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Floyd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Fludd	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frazier	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Frye	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	E Fullerton	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Gardner	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Gasaway	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Geisinger	Y Lumsden	Y Scott	E Williams, A
Y Cheokas	Y Glanton	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Golick	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	E Gordon	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Gravley	Y Maxwell	Y Sims, B	Y Yates
Y Cooke	Greene	Y Mayo	Y Sims, C	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Roberts of the 155th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 775      Do Pass, by Substitute

Respectfully submitted,  
/s/ Roberts of the 155th  
Chairman

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1284. By Representatives Peake of the 141st, Pezold of the 133rd and Kaiser of the 59th:

A RESOLUTION congratulating Ford Fry on being named Georgia's Restaurateur of the Year and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1285. By Representatives Bentley of the 139th, Smyre of the 135th, Prince of the 127th and Dickey of the 140th:

A RESOLUTION commending Fort Valley State University, recognizing February 12, 2014, as Fort Valley State University Day at the state capitol, and inviting representatives from Fort Valley State University to be recognized by the House of Representatives; and for other purposes.

HR 1286. By Representatives Rogers of the 29th, Williams of the 119th, Dempsey of the 13th, Lumsden of the 12th and Coomer of the 14th:

A RESOLUTION recognizing and commending Troy Peco and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1287. By Representatives Rogers of the 29th, Williams of the 119th, Dukes of the 154th and Greene of the 151st:

A RESOLUTION commending AAmir Greene and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1288. By Representatives Morris of the 156th, Jasperse of the 11th, Smith of the 134th, England of the 116th, Roberts of the 155th and others:

A RESOLUTION recognizing the 4-H Clubs of Georgia and inviting Mr. Oakley Perry, Mr. Arch D. Smith, and the 2013-2014 4-H Leadership Team to be recognized by the House of Representatives; and for other purposes.

HR 1289. By Representatives Epps of the 132nd, Smyre of the 135th and Dukes of the 154th:

A RESOLUTION recognizing February 12, 2014, as the sixth annual Omega Psi Phi Fraternity, Inc., Day at the state capitol and inviting the brothers and thereby the fraternity to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 1249 Do Pass  
HR 1250 Do Pass  
HR 1267 Do Pass

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 1249. By Representative Sims of the 169th:

A RESOLUTION honoring the life and memory of Teresa Davis and inviting the members of her family and EMS personnel to be recognized by the House of Representatives; and for other purposes.

HR 1250. By Representative Sims of the 169th:

A RESOLUTION honoring the life and memory of Randall Whiddon and inviting the members of his family and EMS personnel to be recognized by the House of Representatives; and for other purposes.

HR 1267. By Representatives Watson of the 172nd, Ralston of the 7th, Houston of the 170th, Powell of the 171st, Carter of the 175th and others:

A RESOLUTION commending Senator Saxby Chambliss and inviting him to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1290. By Representatives Stephens of the 165th, Gordon of the 163rd, Hitchens of the 161st, Bryant of the 162nd, Stephens of the 164th and others:

A RESOLUTION honoring the life and memory of Floyd Adams, Jr.; and for other purposes.

HR 1291. By Representative Brooks of the 55th:

A RESOLUTION honoring the life and memory of Reverend Doctor Marshall Stenson, Jr.; and for other purposes.

HR 1292. By Representative Brooks of the 55th:

A RESOLUTION honoring the life and memory of Reverend W. Ron Sailor, Sr.; and for other purposes.

HR 1293. By Representatives Peake of the 141st, Epps of the 144th, Dickey of the 140th, Randall of the 142nd, Beverly of the 143rd and others:

A RESOLUTION recognizing and commending Chief of Police Thomas Michael "Mike" Burns; and for other purposes.

HR 1294. By Representatives Harbin of the 122nd, Fleming of the 121st and Sims of the 123rd:

A RESOLUTION recognizing and commending the 2013 Martinez Evans Little League 10-11 All-Star baseball team; and for other purposes.

HR 1295. By Representatives Harbin of the 122nd, Fleming of the 121st and Sims of the 123rd:

A RESOLUTION recognizing and commending the 2013 Martinez Evans Senior League baseball team; and for other purposes.

HR 1296. By Representative Battles of the 15th:

A RESOLUTION recognizing and commending Benjamin Blackwell Popham; and for other purposes.

HR 1297. By Representative Rice of the 95th:

A RESOLUTION commending the Peachtree Symphonic Winds and its conductor, G. Allen Barbee; and for other purposes.



HR 1298. By Representative Chapman of the 167th:

A RESOLUTION recognizing and commending Conservation Ranger First Class David Brady with the Georgia Department of Natural Resources Law Enforcement Division for dedicated service to the citizens of Georgia; and for other purposes.

HR 1299. By Representative Chapman of the 167th:

A RESOLUTION recognizing and commending Deputy Sheriff Justin Juliano and Deputy Sheriff Brian Faulk on their arrest of Aubrey Lee Price; and for other purposes.

HR 1300. By Representatives Kaiser of the 59th, Ralston of the 7th, Rynders of the 152nd, Pruett of the 149th, Dempsey of the 13th and others:

A RESOLUTION honoring the life and memory of Dr. Tom Cooper; and for other purposes.

HR 1301. By Representative O'Neal of the 146th:

A RESOLUTION recognizing and commending the General Daniel Stewart Chapter of the National Society of the Daughters of the American Revolution on the 100th anniversary of its establishment; and for other purposes.

Representative Bruce of the 61st moved that the following Bill of the House be withdrawn from the Committee on Intragovernmental Coordination - Local and recommitted to the Committee on Governmental Affairs:

HB 704. By Representatives Bruce of the 61st, Fludd of the 64th, Kaiser of the 59th, Lindsey of the 54th, Mabra of the 63rd and others:

A BILL to be entitled an Act to incorporate the City of South Fulton in Fulton County; to provide for a charter for the City of South Fulton; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for other matters relative to the foregoing; to provide for referenda; to provide for an automatic repeal; to provide effective dates and transitional provisions governing the transfer of various functions and responsibilities from Fulton County to the City of South Fulton; to provide for severability; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative Powell of the 32nd District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety and Homeland Security has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 875      Do Pass, by Substitute

Respectfully submitted,  
/s/ Powell of the 32nd  
Chairman

Representative O'Neal of the 146th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, February 10, 2014, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, February 10, 2014.